

At the outset, Applicants acknowledge with appreciation the Examiner's indication that claim 26 has been allowed.

Some amendments have been made to the claims above, but these are only editorial in nature, and are not believed to require anything other than a cursory review on the Examiner's part. Therefore, Applicants respectfully request that the Examiner enter and consider these amendments.

The sole substantive issue for consideration is the rejection of the remaining claims, i.e., claims 17, 18 and 21-25, under 35 USC § 103(a) as being obvious over Kristiansen et al. ("Kristiansen"), U.S. Patent No. 5,302,605, Shiokawa et al. ("Shiokawa"), U.S. Patent No. 4,914,113, Elbert et al. ("Elbert"), *Brighton Crop Protection Conference*, pages 21-28 (1990), Derwent Abstract of JP 03,279,359 ("the Japanese patent") and EP 0 285 985. Applicants previously submitted additional data as an attachment to the amendment dated February 14, 2000. The data shows that *dermal treatment* in accordance with the teachings of the present invention provides an unexpectedly long term protection against fleas and lice than can be achieved by *oral treatment* using the same compounds. Towards the top of page 3 of the Final Rejection, the Examiner indicated that claims 17, 18 and 21-25 would be favorably considered if: (1) the data presented was put into a declaration; and (2) the claims were limited to R = pyridylmethyl, optionally substituted by halogen or C<sub>1-4</sub>-alkyl.

With respect to (1), there is attached the Declaration of Dr. Olaf Hansen. As can be seen most clearly from the table on page 10 of the declaration, *dermal treatment* using every tested compound provided a superior flea treatment for a much longer time than did the corresponding *oral treatment*. Indeed, whereas the efficacy of the *oral treatment* was good for a few days only, the efficacy of the *dermal treatment* was much longer, for a number of weeks, and in some cases, lasting for a month or more. There is absolutely nothing in the cited prior art that would have led a person skilled in the art to suspect that the results obtained with *dermal treatment* should be superior to those obtained with *oral treatment*. Accordingly, the data in the Hansen Declaration must be regarded as surprising and unexpected, and, therefore, as objective evidence of nonobviousness.

With respect to (2), Applicants submit that the data are reasonably supportive of the entire scope of the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the need to limit the claims to compounds wherein R = optionally substituted pyridylmethyl. First, the equivalence of R = optionally substituted pyridylmethyl and R = optionally substituted thiazolylmethyl is established by the Examiner's own cited prior art. See, for example, Shiokawa at column 2, lines 41-42, "W [which is bonded to methyl] is pyridyl or *thiazolyl* optionally substituted with chlorine, methyl \* \* \*." Second, the data in the Hansen Declaration and the other data of record shows that the advantages of the present invention are obtained irrespective of whether R = optionally substituted pyridylmethyl or thiazolylmethyl, or

indeed whether A and Z are acyclic or together form a cyclic structure. Applicants submit that these facts provide reasonably assurance that the instantly claimed compounds wherein R = optionally substituted thazolylmethyl will share the advance now urged over the prior art. Consequently, Applicants respectfully request that the Examiner accept the data already of record as reasonably representative of the instant claims.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (914) 332-1700 so that the issue(s) might be promptly resolved.

HUBERT DORN ET AL.  
USSN 08/925,372

Early and favorable action is earnestly solicited.

Respectfully submitted,

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By

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CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment under 37 CFR § 1.116 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

Date: October 3, 2000

By

Kurt G. Briscoe